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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,917	10/10/2001	Thomas L. Welsh	FLN.P.US0002	9215

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RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER
FOURTH FLOOR
FIRST NATIONAL TOWER
AKRON, OH 44308

EXAMINER

NICHOLSON, ERIC K

ART UNIT PAPER NUMBER

3679

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,917

Applicant(s)

WELSH ET AL.

Examiner

Eric K Nicholson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 21 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. patent 5,423,577 to Ketcham. Figure 3 of Ketcham includes a hollow elbow body member 29 having first and second ends with a bore therebetween. A flange (unnumbered) is shown extending partially into the bore and extending from a first corner of the bend to a second corner of the bend and thereby prevents over insertion of the conduit 22 within the bore in the same manner as applicant's flange such as shown by Fig. 7.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 3,314,696 to Ferguson in view of U.S. patent 5,423,577 to Ketcham.

Ferguson discloses the claimed device except for the end 20 is a threaded connection end for connecting to conduit 21 and not a barbed connection with a seal ring (claims 4,5 and 16). Further, the body "A" is a straight line connector and not an elbow connector with an internal over insertion preventing flange.

Ketcham discloses that it is known in the art to provide a similar type essential catch coupling with the configuration of an elbow or straight line connector (compare figs. 3 and 13) and further the end of the connector 29 is shown with barbs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the threaded end connection 20 of Ferguson with the barbed end connection as taught by Ketcham in fig. 3, in order

to allow for a common connection to a flexible hose. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the body of Ferguson as an elbow as also taught by Ketcham in fig. 3 since such change in shape is readily apparent to those skilled in the art and does not provide a patentable distinction over the prior art.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 3,314,696 to Ferguson in view of U.S. patent 5,423,577 to Ketcham as noted above and further in view of U.S. patent 5,893,590 to Klinger et al. As noted above the Ferguson and Ketcham combination discloses the claimed device except for the barbed connection does not include a seal ring. Klinger et al. teaches in fig. 15 that it is well known to provide a barbed end of an elbow body with a seal ring 260 for the benefit of additional sealing of the hose on the barbed connection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the barbed connection of Ketcham with the sealing ring as taught by Klinger et al. in order to gain additional sealing benefits from the seal rather than merely relying on the resilient nature of the hose sealing against the barbed connection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Applicant's arguments filed February 20, 2004 have been fully considered but they are not persuasive.

Applicant's arguments have been considered but are not deemed persuasive.

Applicant's claimed invention is to a connector which includes a hollow member that has a elbow configuration with a bend between a first open end and a second open end. A flange which prevents over insertion of a conduit into the bore extends partially into the bore and extends between a first corner of the bend to a second

corner of the bend. The claims were rejected as being anticipated by U.S. patent 5,423,577 to Ketcham and in the remarks in reply to the rejection applicant argues that:

“Figure 3 of Ketcham does not show a flange extending from one corner of the bend to another corner in the same manner as depicted in Applicant’s Figure 7. In fact, no such flange is depicted in Figure 3 of Ketcham”.

The examiner respectfully disagrees. First what is at issue is not whether Ketcham discloses a flange in the same manner “as depicted in Applicant’s Figure 7” since Figure 7 is not the claimed invention, rather the invention is defined in the claims. Second Ketcham clearly illustrates a flange which prevents over insertion of a conduit, a flange which abuts the end of the conduit, in exactly the same manner as the present invention.

The examiner has modified applicant’s Exhibit A and represents it as Exhibit B by labeling the corresponding elements between the present invention’s fig. 7 and the Ketcham fig. 3, namely the elements labeled are: **the end of the conduit, the**

inner corner, the outer corner, the flange along the outer corner and the flange along the inner corner. See Exhibit B attached.

It is not understood how applicant can even make the statement that "no such flange is depicted in Figure 3 of Ketcham" as such is very clearly shown and is located in the same position in the hollow element of Ketcham. It is noted that the conduit and the end of the conduit is shown in dashed lines. The flange of the present invention is said to prevent over insertion of the conduit and the way in which it does that is abut the end of the conduit when the conduit is inserted into the hollow member. Therefore the flange which prevents over insertion of the conduit must be located at the end of the conduit in order to operate or function as claimed. Such a flange is clearly shown in both the present invention and in Fig. 3 of Ketcham. While applicant argues that the flange of the present invention extends from 196 along 195 to 197, clearly elements 195 and 197 do not abut the end of conduit and do not prevent over insertion of the conduit, only the portion which abuts the end of the conduit can do that. For applicant to state that 197 represents a portion of the flange that limits insertion of the conduit is improper as there is nothing there but the inside corner of which the conduit never reaches and furthermore the Fig. 3 of Ketcham includes the same inside corner as shown in

Exhibit B. Reference numeral 195 similarly can not represent a flange that limits insertion of the conduit as no portion of 195 abuts the conduit either. Applicant appears to argue that the outside corner can only be at 197, this appears as incorrect for two reasons, first as noted above the point at 197 can not serve as a flange which limits insertion since it never engages the conduit and applicant does not explain how this corner portion limits insertion of the conduit and secondly, as the examiner views the hollow member, the corner can include any part of the curved portion between the two straight portions of the hollow member, thus the corner is not limited to the portion at 197 as argued by applicant. Thus the flange of Ketcham which limits insertion of the conduit does extend from corner to corner.

In anticipation that applicant can see the flange of Ketcham given the explanation above and argues that the end of the conduit does not meet with the flange of Ketcham given that there is a gap shown between the end of the conduit and the flange. The examiner submits that since the flange of Ketcham has a curved surface as shown in the fig. 3 and that the conduit hits the initial curved portion of the flange to limit the insertion of the conduit.

Further, it is the examiners position that such stop flanges in hollow members are common and well known in the art to limit the insertion of conduits therein, as evidenced by Ketcham and that such feature recited in a quick connect coupling does not patentably define over the prior art.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for Technology Center 3600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

ekn
4/29/04


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